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DAC

Attorney Docket No. 9417-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Sotak et al.

Group Art Unit: 2183

Serial No.: 10/714,413

Confirmation No.: 2263

Filed: November 14, 2003

For: METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR
PROVIDING RESIDENT AWARE HOME MANAGEMENT

Date: March 2, 2004

Office of Patent Legal Administration

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicants hereby petition to grant the proper filing date of November 14, 2003 rather than November 17, 2003, as the application was deposited as "Express Mail" in the U.S. Postal Service on November 14, 2003. The following is enclosed as evidence that November 14, 2003 is the correct filing date for the application, which was filed properly under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the stamped Express Mail Receipt, along with a copy of the USPS-Track & Confirm from the web page, showing "acceptance" or deposit with the USPS on November 14, 2003 at 5:37 p.m.; and
3. True and accurate copies of our return post card and the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicants were improperly given the filing date of November 17, 2003 instead of the Express Mail date of November 14, 2003.

This petition is being filed promptly after Applicants became aware of the improperly accorded filing date. Accordingly, Applicants respectfully request the granting of November 14, 2003 as the filing date pursuant to 37 CFR § 1.10.

As applicants properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505, this petition is being filed due to error on the part of the USPTO. Accordingly, Applicants believe that no fee is due; however,



In re: Sotak et al.
Serial No.: 10/714,413
Filed: November 14, 2003
Page 2 of 2

the Commissioner is authorized to charge any deficiency or credit any overpayment to
Deposit Account No. 50-0220.

Respectfully submitted,

Timothy J. O'Sullivan
Registration No. 35,632

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer Number 20792

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Office of Patent Legal Administration, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on March 2, 2004.

Traci A. Brown

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 9417-2

DATE: November 14, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier: **John Sotak** - Fuquay-Varina, North Carolina; **Eric Lomascolo** - Garner, North Carolina; **Allen Zerumsky** - Morrisville, North Carolina; **James Stiscia** - Garner, North Carolina; and **Robert Finley** - Raleigh, North Carolina

Entitled: **METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR PROVIDING RESIDENT AWARE HOME MANAGEMENT**

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 47 pages of Specification (including claims)
3. ☒ 12 sheets of Formal Drawings (35 USC 113)
4. ☐ Oath or Declaration
 - a. ☐ newly executed (*original or copy*)
 - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*)) [Note Box 6 Below]
 - c. ☐ **DELETION OF INVENTOR(S)** (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.


7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☒ Information Disclosure Statement, PTO-1449, and 7 references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of Application No. ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
a. ☐ computer readable copy
b. ☐ paper copy
c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Deletion of Inventor(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
19. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	54 - 20 =	34	x 09 = \$	x 18 = \$ 612.00
INDEP CLAIMS	12 - 3 =	10	x 43 = \$	x 86 = \$860.00
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$2242.00

- ☐ A check in the amount of \$to cover the filing fee is enclosed.
☒ A check in the amount of \$2282.00 is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
☐ Please charge my Deposit Account No. 50-0220 in the amount of \$
☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
a. ☐ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
b. ☐ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

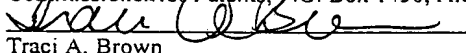

Timothy J. O'Sullivan
Registration No. 35,632

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Date of Deposit: November 14, 2003

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- ENROUTE, November 14, 2003, 6:19 pm, RALEIGH, NC 27623
- ACCEPTANCE, November 14, 2003, 5:37 pm, RALEIGH, NC 27612

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Mail Stop Patent Application

Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

TJD/4

Date: *11/14/03*

Doc. No. *9417-2*

Serial No. *Yba*

Inventor: *Sotak et al.*

12-03-03 A09:03

Sir: Kindly acknowledge receipt of the accompanying items listed below
by placing your receiving stamp hereon and return mailing:

☒ Application Transmittal and:

☒ Specification pages *47*

☒ No. of Claims *54*

☒ Declaration & POA

☒ Assignment and Fee

☒ Small Entity Statement

☒ Formal Drawings/ *12* sheets

☒ Associate Power of Attorney

☒ Exp. Mail ☐ 1st Class Mail

☒ Other: *1 non-patent reference*

☒ Check \$ *2282.00*

☒ IDS & PTO-1449 & *7* refs. cited

☐ Amendment & Amend. Transmittal

☐ Preliminary Amendment

☐ Issue Fee

☐ Brief

☐ Appeal

☐ Submittal of Priority Doc.

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

03945 U.S. PTO
10/714413



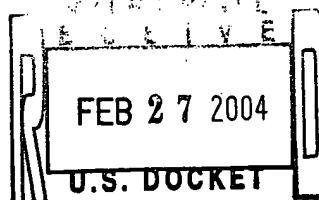


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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/714,413	11/17/2003	2183	2070	9417-2	12	54	11

20792
 MYERS BIGEL SIBLEY & SAJOVEC
 PO BOX 37428
 RALEIGH, NC 27627



CONFIRMATION NO. 2263

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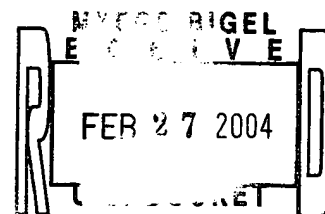
OC000000011960015

Date Mailed: 02/24/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

John Sotak, Fuquay-Varina, NC;
 Eric Lomascolo, Garner, NC;
 Allen Zerumsky, Morrisville, NC;
 James Stiscia, Garner, NC;
 Robert Finley, Raleigh, NC;



Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/24/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

02-25-04 A09:44 IN

Title

Methods, systems and computer program products for providing resident aware home management

Preliminary Class

712

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